

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

AMERICAN SAFETY INDEMNITY	)	
COMPANY, an insurance	)	
company incorporated in	)	
the state of Oklahoma,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO.
	)	2:10cv48-MHT
v.	)	(WO)
	)	
T.H. TAYLOR, INC., et al.,	)	
	)	
Defendants.	)	

JUDGMENT

In accordance with the memorandum opinion entered this date, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) Plaintiff American Safety Indemnity Company's motion for summary judgment (Doc. No. 46) is granted to the extent that judgment is entered in its favor in these respects: (a) its claim for a declaration of no duty to defend defendants T.H. Taylor, Inc., Terry H. Taylor and T.H. Taylor Homes; (b) defendants T.H. Taylor, Inc., Terry H. Taylor and T.H. Taylor Homes' counterclaim for

breach of contractual duty to defend; and (c) defendants T.H. Taylor, Inc., Terry H. Taylor and T.H. Taylor Homes' counterclaim for bad-faith failure to defend and investigate.

(2) It is DECLARED that plaintiff American Safety Indemnity Company has no duty to defend defendants T.H. Taylor, Inc., Terry H. Taylor and T.H. Taylor Homes in the underlying state-court and arbitration proceedings brought against them by defendants Michael Rosenberg and Heidi Christie.

(3) Plaintiff American Safety Indemnity Company's motion for summary judgment (Doc. No. 46) is denied as to plaintiff American Safety Indemnity Company's claim for a declaration of no duty to indemnify defendants T.H. Taylor, Inc., Terry H. Taylor and T.H. Taylor Homes.

It is further ORDERED that all parties show cause, if any there be, in writing by April 12, 2011, as to why plaintiff American Safety Indemnity Company's no-duty-to-

indemnify claim should not be dismissed without prejudice  
as premature.

DONE, this the 29th day of March, 2011.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE